

REMARKS

By this amendment, Claims 1, 15, and 22 are amended. No claims have been added or canceled. Hence, Claims 1–30 are pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

Each issue raised in the Office Action mailed September 11, 2007, is addressed hereinafter.

I. ISSUES RELATING TO CLAIM AMENDMENTS

Support for the amendments made to the claims can be found in the at least the following paragraphs of the Specification: Paragraph [0025] (“substituting the IP address in a user profile information associated with a user of the client to create a new user profile information ...; adding the new user profile information as temporary entries to the Input Access Control List at the external interface and to the Output Access Control List at the internal interface); and Paragraphs [0084] – [0087] (“...Authentication Proxy 400 replaces the source IP address field of the command with the IP address of the client 306... Each modified proxy-access-list command is added as a temporary entry to the access control lists at the external interface 420 and internal interface 422”).

II. ISSUED NOT RELATED TO ANY CITED PRIOR ART

Claims 1 and 15 are rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to recite the structure of each means. The rejection is respectfully traversed.

Claims invoke 35 U.S.C. § 112, sixth paragraph, when the claim limitations use the phrase "means for" or "step for;" the "means for" or "step for" is modified by functional language; and the phrase "means for" or "step for" is not be modified by sufficient structure, material, or acts for achieving the specified function. 35 U.S.C. § 112, sixth paragraph, states that a claim limitation expressed in means-plus-function language "shall be construed to cover the corresponding structure...described in the specification and equivalents thereof." (See also MPEP 2181, Section I and II.) The disclosure of the structure (or material or acts) may be implicit or inherent in the specification if it would have been clear to those skilled in the art what structure (or material or acts) corresponds to the means (or step)-plus-function claim limitation. See *Atmel Corp. v. Information Storage Devices, Inc.*, 198 F.3d 1374, 1380, 53 USPQ2d 1225, 1229 (Fed. Cir. 1999).

Furthermore, claim limitations that invoke 35 U.S.C. § 112, sixth paragraph, also comply with the requirements of 35 U.S.C. § 112, second paragraph, "if the corresponding structure, material or acts are described in the specification in specific terms and one skilled in the art could identify the structure, material or acts from that description." (See *Amtel*; MPEP 2181, Section III.)

The claim limitations at issue in Claims 1 and 15 clearly invoke 35 U.S.C. § 112, sixth paragraph, by having the "means for" phrase that is modified by functional language, and by not being modified by sufficient structure. Instead of reciting the structure of each means within the language of the claim, as suggested in the Office action, Claims 1 and 15 comply with the requirements of 35 U.S.C. § 112, sixth paragraph, by not including structure so that the claim limitation can be construed to cover the corresponding structure described in the specification.

Claim limitations of Claim 1 and 15 cover corresponding structures found in the Specification. In particular, the structures that correspond to each of the claim limitations of Claims 1 and 15 at issue are found in at least Paragraphs [0045] to [0087] of the Specification. For example, the claim limitation “means for creating and storing client authorization information” covers at least the corresponding structure described in Paragraph [0063] of the Specification, among other possible embodiments described in other paragraphs of the Specification.

Based on the foregoing reasons, Applicants respectfully traverse the rejection made under 35 U.S.C. § 112, second paragraph. Reconsideration is respectfully requested.

II. ISSUES RELATING TO CITED PRIOR ART

A. CLAIMS 1–9 and 13–19, 22–23, and 25–27 —BAIZE in view of SADOVSKY

Claims 1–9 and 13–19, 22–23, and 25–27 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,317,838, issued to *Baize*, et al. (“*Baize*”), in view of U.S. Patent No. 5,689,638, issued to *Sitaraman*, et al. (“*Sitaraman*”). The Office Action fails to present a prima facie case of unpatentability of Claims 1–9 and 13–19, 22–23, and 25–27 under 35 U.S.C. §103(a) because *Sitaraman* is not citable in this application under 35 U.S.C. §103(c)(1) and must be removed as a reference.

Under 35 U.S.C. §103(c)(1), as amended by the CREATE Act of 2004, which also extended the applicability of 35 U.S.C. §103(c)(1) to all applications pending on its effective date of December 10, 2004, a reference that qualifies as prior art under 35 U.S.C. § 102(e), (f), or (g) is not citable against an application under 35 U.S.C. §103(a) if the invention described in the application for patent and the invention described in the prior art reference applied against the application were commonly owed by, or subject to an obligation of assignment to, the same

person, at the time the invention in the application for patent was made. See USPTO “Frequently Asked Questions” about 103(c),

<http://www.uspto.gov/web/offices/dcom/olia/aipa/103cfaq.htm>.

The present application is assigned to Cisco Technology, Inc., a wholly owned subsidiary of Cisco Systems, Inc., San Jose, California, as stated in the assignment recorded in the USPTO at reel 015200, frame 0111. The assignee on the face page of *Sitaraman* is also Cisco Technology, Inc. Further, at the time that the invention presented in the present application was made, all inventors were under an obligation to assign any later patent application to Cisco Technology, Inc., so that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

Sitaraman, as applied herein, qualifies as 35 U.S.C. § 103(a) only via 35 U.S.C. § 102(e). *Sitaraman*, filed on May 21, 1999, was filed within one year of the present application, which claims priority to U.S. Application No. 09/347,433, issued as U.S. Patent No. 6,463,474, filed on July 2, 1999.

Therefore, all requirements of 35 U.S.C. § 103(c)(1) are satisfied in the present case with respect to *Sitaraman*, and *Sitaraman* is ineligible as a reference. Applicants respectfully request reconsideration and removal of *Sitaraman* as a reference.

B. CLAIMS 1–9 and 13–19, 22–23, and 25–27 —BAIZE in view of SADOVSKY

Claims 1–9 and 13–19, 22–23, and 25–27 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,317,838, issued to *Baize*, et al. (“*Baize*”), in view of U.S. Patent No. 5,689,638, issued to *Sadovsky*, et al. (“*Sadovsky*”). Based on the following arguments presented below, the rejections are respectfully traversed.

Independent Claim 1 recites:

....

means for reconfiguring the network firewall routing device to permit the client to communicate with the network resource only when the client is authorized to communicate with the network resource based on the authorization information, wherein the means for reconfiguring the network firewall routing device further comprises:

means for determining a **current IP address of the client**;

means for **creating a new user profile information**, based on the user profile information, that **includes the current IP address**; and

means for adding the new user profile information as **temporary entries** to the Input Access Control List at the external interface and to the Output Access Control List at the internal interface.

(Emphases added.) According to one embodiment of the invention, the network firewall device is reconfigured by means for adding new user profile information to access control lists that at the external interface and the internal interface of the firewall. As discussed in the previous Reply to Office Action submitted by Applicants on July 10, 2007, one possible benefit of reconfiguring a part of the network firewall routing device is that the configuration is maintained indefinitely until certain conditions are met, for example, a timeout or a specific modification by the system administrator. This allows the logical passageway to remain open even if the user and client encounters an inadvertent or transient disconnection. (Paragraph [0091].) Using this method, the session is not reset by the disconnection, and the firewall does not need to access the authentication server when the user or client re-establishes the connection.

No combination of *Baize* in view of *Sadovsky* discloses each and every express element of Claim 1. Neither *Baize* nor *Sadovsky* teach or disclose means for reconfiguring a firewall comprising means of adding temporary entries to access control lists at the firewall. Neither *Baize* nor *Sadovsky* teach or disclose means for adding new user information that includes the

current IP address as temporary entries. Instead, *Baize* teaches that an operational user profile is fetched from the security server, and “any subsequent request to another server or resource may be allowed or denied according to said operational profile.” (*Baize*, Col. 7, lines 3–5.) *Baize* teaches that a subsequent request is allowed or denied by “[applying] the application rules (module 50) according to the operational profile.” (*Baize*, Col. 7, lines 12–14). However, “applying the application rules,” as taught by *Baize*, does not teach or disclose the means for reconfiguring the firewall as recited in Claim 1.

The Office Action also relies on *Sadovsky* to teach and disclose means for reconfiguring a network firewall routing device. However, *Sadovsky* does not teach any means for reconfiguring a firewall comprising means of adding temporary entries to access control lists. *Sadovsky* merely teaches maintaining a cache of usernames and passwords at a central server. It does not teach any user profile information, or any client authentication information that indicates any access privileges the client has with respect to the resource, as recited in Claim 1. It does not teach creating any new user information data that includes any current IP addresses. Therefore, *Sadovsky* does not “fill the gaps” that *Baize* leaves with respect to Claim 1.

Any combination of *Baize* with *Sadovsky* fails to provide the complete claimed subject matter of Claim 1. As one or more express elements recited in Claim 1 are not disclosed, taught, or suggested by *Baize* in view of *Sadovsky*, it is respectfully submitted that Claim 1 is patentable over the cited art and is in condition for allowance.

Independent Claim 15 and 22 include features similar to Claim 1. It is therefore respectfully submitted that Claims 15 and 22 are patentable over *Baize* in view of *Sadovsky* for at least the reasons given above with respect to Claims 15 and 22.

Claims 2–9, 13–14, 16–19, 23, and 25–27 are dependent claims, each of which depends (directly or indirectly) on Claims 1, 15, and 22. In addition, each of Claims 2–9, 13–14, 16–19, 23, and 25–27 introduces one or more additional features that independently render it patentable. Due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of the features of Claims 2–9, 13–14, 16–19, 23, and 25–27 is not included at this time. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

C. CLAIM 12 —*BAIZE in view of SADOVSKY, in further view of COSS*

Claim 12 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Baize* in view of *Sadovsky*, in further view of U.S. Patent No. 6,170,012 issued to *Coss* et al. The rejections are respectfully traversed.

Claim 12 is a dependent claim, which depends (directly or indirectly) on Claim 1. The Office action relies on *Coss* for teaching the limitations within those dependent claims. However, *Coss* does not “fill the gaps” that *Baize* and *Sadovsky* leave with respect to independent Claim 1. Any combination of *Baize*, *Sadovsky*, and *Coss* fails to provide the complete claimed subject matter of Claim 1. Due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of the features of Claim 12 is not included at this time. In addition, Claim 12 introduces one or more additional features that independently render it patentable. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

D. CLAIMS 10–11, 20–21, 24, and 28–30 —BAIZE in view of SADOVSKY, in further view of KLASSEN

Claim 12 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Baize* in view of *Sadovsky*, in further view of U.S. Patent No. 6,170,012 issued to *Klassen* et al. The rejections are respectfully traversed.

Claims 10–11, 20–21, 24, and 28–30 are dependent claims, each of which depends (directly or indirectly) on Claims 1, 15, or 22. The Office action relies on *Klassen* for teaching the limitations within those dependent claims. However, *Klassen* does not “fill the gaps” that *Baize* and *Sadovsky* leave with respect to independent Claims 1, 15, or 22. Any combination of *Baize*, *Sadovsky*, and *Klassen* fails to provide the complete claimed subject matter of Claims 1, 15, or 22. Due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of the features of Claims 10–11, 20–21, 24, and 28–30 is not included at this time. In addition, each of Claims 10–11, 20–21, 24, and 28–30 introduces one or more additional features that independently render it patentable. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

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A petition for extension of time for one (1) month, and otherwise for the time necessary to make this reply timely filed, is hereby made under 37 C.F.R. 1.136. The extension of time fee is submitted concurrently herewith. Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,
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